



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

85 JAN 2006

MEMORANDUM FOR

ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT,
600 ARMY PENTAGON, WASHINGTON, DC 20310-0600
COMMANDER, US ARMY CORPS OF ENGINEERS,
441 G STREET, NW, WASHINGTON, DC 20314-1000

SUBJECT: Base Realignment and Closure (BRAC) Property Disposal Process

1. The Assistant Secretary of the Army (Installations and Environment) directed that a Lean Six Sigma review be conducted for the BRAC real property disposal process. The review was conducted by a multi-disciplinary team and was personally led by the DASA (I&H) and the ACSIM. Team members included senior project management, real estate, environmental and legal subject matter experts from ACSIM, USACE, ASA (I&E), OGC, AEC, ELD and IMA. The analysis was facilitated by Lean Six Sigma consultants from the Simpler Corporation and included a value stream analysis and two rapid improvement events conducted over the course of four weeks during the summer of FY 2005. The analysis was concluded on September 30, 2005.

2. The objectives of the team were to significantly speed the disposal process, recoup real property asset value where possible, and minimize the risk of liability and unplanned costs. The Lean Six Sigma tools for achieving the team objectives focused on eliminating non-value added processes while improving quality control and reducing rework. The team identified ways to more effectively execute the BRAC process while assuring quality control through:

- (i) Establishing Army Conveyance Teams (ACT);
- (ii) Developing Property Transfer Plans;
- (iii) Creating USACE Center(s) of Expertise;
- (iv) Using Early Transfers and Privatization of Environmental Remediation wherever possible; and
- (v) Developing and using model conveyance documents and more streamlined review process.

3. The attached BRAC 2005 Property Transfer Guidance incorporates procedures to implement the results from the Lean Six Sigma Reviews in future BRAC 2005 Property Transfers.

Joseph W. Whitaker
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

Encls

BRAC 2005 PROPERTY TRANSFER PROCESS GUIDANCE

1. ARMY CONVEYANCE TEAMS

a. In order to ensure proper coordination and expeditious processing of property transfer actions, the BRAC Division Project Manager (BRACD PM) will manage and lead Army Conveyance Team (ACT). The ACT will include the following individuals:

- BRACD PM;
- Base Transition Coordinator (BTC);
- Base Environmental Coordinator (BEC);
- Installation representatives;
- Army Environmental Law Division (ELD) representative;
- USACE (U.S. Army Corps of Engineers) Realty and Legal representatives (HQUSACE, USACE CX, and USACE District) and;
- Other Army personnel (as necessary), to include ASA (I&E) and Army Office of General Counsel representatives.

b. The role of the ACT will be to develop unified Army positions and documentation for presentation to prospective transferee and to negotiate in an effective and empowered manner. ACT members will participate in the Property Transfer process as needed to achieve these goals and will ensure proper coordination of ACT actions with their respective offices.

c. The team will work to achieve the following Property Transfer Objectives:

1. To close, realign, and transfer BRAC 2005 Priority Transfer Properties within four years of the date of approval of the BRAC recommendations.
2. To pursue fair market value for the property, consistent with applicable laws and regulations. Consideration will ordinarily be for cash, consistent with the best interests of the Government.
3. To work with stakeholders to expedite the property transfer process and maximize the redevelopment potential of the excess BRAC properties.

See section 2 and 4.a. for additional information regarding BRAC 2005 Priority Transfer Properties.

2. PROPERTY TRANSFER PLANS

The BRAC Division will develop a Property Transfer Plan at selected BRAC 2005 closure installations. This Plan will establish the Army's transfer strategy and recommend actions to achieve the Army's Property Transfer Objectives. In addition, BRAC Division will designate certain installations as Priority Transfer Properties based on their market value, re-use potential environmental condition and other factors as determined by the BRAC Division. The Army's property transfer strategy will vary depending on the potential value of the installation, the redevelopment plan, highest and best use, impact on other property transfers, and the Army's best interest. In developing property transfer plans, the BRAC Division will consider the outcome of DoD and Federal Screening and other expressions of interest identified during the screening process. A copy of the BRAC 2005 Property Transfer Plan Guidance is provided at Appendix A.

a. DoD and Federal Use Screening Process.¹

1. DoD components and Federal agencies will be notified that property is available (screening). DoD and Federal agencies will submit the appropriate applications and statements agreeing to certain terms for transfer and consult with the Local Re-Use Authority (LRA). The ACT will review requests and applications to receive BRAC 2005 transferring property (e.g., DoD or Fed to Fed applications). The Army will determine whether the requesting entity is willing to meet the Army's Property Transfer Objectives, including taking the property in its current condition, paying fair market value for the property, and agree to accept custody of the property when offered.

2. After review of the appropriate DOD/Federal agency applications, Army will make final determination regarding DoD and federal property requests for excess property and identify installation real property that is surplus to the Federal government's needs that will be made available for redevelopment.

b. Identifying Interest in Surplus Property.²

1. The Army and LRA will identify interests of state and local governments, representatives of the homeless, and other interested parties in surplus federal property at closing or realigning installations. The Army will review requests for BRAC 2005 transferring property (e.g., LRA EDC applications, PBC applications).

2. The Army will determine whether the requesting entity is willing to meet the Army's Property Transfer Objectives. The Army will generally seek an amount equal to the fair market value of the property as authorized under applicable law. The Army retains ultimate responsibility and authority to make the final property disposal decisions (including resolving any conflicting property requests).

c. Real Property Disposal.

1. The Army may use a variety of property conveyance methods. Each installation may have a combination of Federal-to-Federal transfers, DOD reassignments, Public Benefit Conveyances (PBC), Economic Development Conveyances (EDC), exchanges and Public Sale. The Army will consider all available transfer authorities. The method of disposal will be determined and documented in the installation's final transfer plan.³

2. The USACE, with support from the ACT, will negotiate a Transfer Agreement with the property recipient to memorialize the basic terms of the proposed property transfer. The Transfer Agreement will include agreement on the fair market value and commitment on the part of the recipient to pay fair market value for the property, address the future anticipated land use of the property, an acknowledgement that the property

¹ The draft DoD 4165.66-M Base Reuse and Redevelopment Manual (BRRM) Section 5.3 has additional information on the DoD and Federal Screening Process. A copy of the BRRM is available in Federal Register, 9 Aug 05, Part 174, which revised DoD Manual, DoD 4165.66-M, and renamed the manual "Base Redevelopment and Realignment Manual." See <http://www.gpoaccess.gov/fr>.

² The draft DoD 4165.66-M, BRRM, Section 5.4 provides additional information on Identifying Interests in Surplus Property.

³ The draft DoD 4165.66-M, BRRM, Chapter 5 has additional information on Real Property Disposal.

may be transferred subject to land use restrictions, environmental remediation responsibilities (including long-term management of land use controls), and property transfer provisions.

3. A qualified appraiser, either a USACE staff appraiser or a contract appraiser, will determine fair market value where fair market value determinations are required. Appraisals will be in accordance with the Department of Justice standards.⁴

3. CREATION OF USACE CENTERS OF EXPERTISE

The Commander, USACE, is encouraged to create Centers of Expertise at the appropriate level(s) to streamline and execute all real estate actions associated with BRAC 2005 properties. The centers of expertise should be staffed with the appropriate personnel and resources (appraisers, realty specialists, environmental and real estate attorneys). The Centers will provide the necessary interface on property disposal matters between the installation and HQs.

4. THE USE OF EARLY TRANSFERS AND PRIVATIZATION OF ENVIRONMENTAL REMEDIATION, WHEREVER POSSIBLE

a. Priority Transfer Properties - The Army is required to provide a CERCLA covenant that all remedial action with respect to hazardous substances has been taken before property can be transferred outside of the Federal Government. During development of the Property Transfer Plans, the Army will identify those installations where the environmental remediation can be completed in less than four years. These installations will generally be considered the best candidates for an expedited property transfer.

b. Early Transfer Candidates – If all remedial action has not been completed or may take longer than four years to complete, it may be possible to transfer property through the Early Transfer Authority. The Army will seek to maximize use of the Early Transfer Authority where appropriate.

c. Environmental Remediation Options for Early Transfer Candidates – A major challenge at Early Transfer Candidate installations will be developing an environmental remediation strategy that will satisfy the legal requirements associated with the Early Transfer Process. The Army's environmental remediation options are as follows:

1. Army Retained Cleanup – This option allows the Army to manage and complete the environmental remediation through performance based contracting and other means. In many instances Army Retained Cleanup will maximize the fair market value of the property and simplify the property transfer.

2. Transferee Cleanup – This option allows the Army to transfer cleanup responsibilities to the transferee.

A. Governmental/ LRA Cleanups – If the Army is transferring property to a LRA, Army will generally pay for any environmental remediation costs through an Environmental Services Cooperative Agreement. This is a cooperative agreement between the Army and another governmental entity for environmental services which is authorized under 10 USC 2701(d).

⁴ The draft DoD 4165.66-M, BRRM, Chapter 5 has additional information on appraisal requirements.

B. Private Developer Cleanups – If the Army is transferring property to a private developer or other entity, the Army environmental cleanup should be awarded on a competitive basis.

Note - In order to obtain a Transferee Cleanup, it may be necessary for the Army to (a) obtain assurances that the Governor will support an Early Transfer and (b) have the State regulators prepare a draft consent agreement.⁵

5. DEVELOPMENT AND USE OF MODEL CONVEYANCE DOCUMENTS AND MORE STREAMLINED REVIEW PROCESS

a. General Guidance.

1. The Army will use Model FOST/Deed formats to streamline the environmental finding/real estate documentation preparation process.⁶ Given the site-specific nature of FOSETs, the Army does not have a Model FOSET.⁷

2. The environmental and real estate teams must work in close coordination since the final Environmental Finding documents (FOSET/FOST/FOSL/ECOP) impact the property transfer process. The BEC is the technical person for environmental decisions and documents. The BEC will work closely with the BRACD PM and the ACT on timelines and environmental issues that impact transfer options. The USACE is the technical office for real estate documents. The USACE will work closely with the BRACD PM and the BEC on timelines and real estate issues that impact transfer dates.

b. Environmental Finding Document (FOSET/FOST/FOSL/ECOP) Staffing Processing.

1. Draft Environmental Finding Document. The BEC will prepare and staff the draft Environmental Suitability Document with the installation attorney. The BEC will use the Model FOST when developing the FOST for property transfers.

2. Initial Review. After the installation attorney review is completed, the BEC will forward the draft Environmental Finding Document for ACT review.

3. Regulatory/Public Review. After the initial ACT review is completed, the BEC will send the draft Environmental Finding Documentation out for regulatory/public review (including the transferee) and provide the ACT with an electronic copy of the draft Environmental Findings Document.

4. Final ACT Review. After the Regulatory/Public Review is completed, the BEC, in coordination with the installation attorney, will prepare an Army Response to Comments (RTC) and a redlined Environmental Finding Document or summary of significant changes for final ACT review.

⁵ See draft DoD 4165.66-M, BRRM, Section 5.5.4 – Transfer Authority in Connection with Payment of Environmental Remediation Costs for additional information.

⁶ The most recent model document versions are contained in the OASA (I&E)/AGC Memorandum dated January 5, 2005, Subject: Transmittal of Model Language for Findings of Suitability to Transfer (FOST) and Deeds Pertaining to Army Real Estate, available online at <http://www.usace.army.mil/publications/review/cere.htm>.

⁷ . However, there are examples of environmental and real estate documentation from previous successful early transfers located online at <https://www.denix.osd.mil>.

5. Signature. After the final ACT review is completed, the BRACD PM will have the Environmental Finding Document signed by the appropriate Army representative.

6. Distribution of Signed Environmental Finding Documents. The BRACD PM will provide the ACT with an electronic copy of the signed Environmental Finding Document and notify the ACT of any significant changes to the Environmental Finding Document during the DA staffing process.

c. Real Estate Document Staffing Processing.

1. Draft Real Estate Documents. The USACE will prepare and coordinate the draft Real Estate Documents with the ACT. The USACE will prepare deeds using the Model Deed format and include the environmental clauses from the approved FOST/FOSET.

2. Negotiations. The USACE (with support as necessary from the ACT) will be primarily responsible for Real Estate Document negotiations. The USACE will keep the ACT and HQUSACE apprised of significant issues that arise during the real estate negotiations.

3. Final Disposal Document.

A. After the Real Estate Document negotiations are completed, if the extent of the deviations from the model deed and approved FOST/FOSET is minor, the USACE will obtain execution by the Recipient, with the caveat that changes may be made on final staffing.

B. If the deviations proposed by the recipient are major, the USACE will send a redlined Real Estate Document or summary of significant changes for final ACT review. After the ACT review is completed, BRACD PM will identify any significant revisions and send an electronic version of the final document to the USACE (with an electronic copy furnished to the ACT). The USACE will prepare the official final document for signature by the property recipient.

C. Deed packages transmitting deeds to the appropriate official will comply with the most recent Model FOST/Deed guidance.

4. Army Signature. After signature by the property recipient, the USACE will forward that final Real Estate documents to the appropriate Army official for signature.

5. Distribution of Signed Real Estate Documents. The USACE will provide an electronic copy of the final signed Real Estate document to the BRACD PM, the ACT and the Real Estate Accountable Officer (REAO).

d. Inventory. The designated Real Estate Accountable Officer (REAO) will remove the property from the Real Property Inventory. The REAO will be responsible for documentation and creation of historical files to support Chief Financial Officer Act inventory audits. Once the property has been deleted from the inventory the REAO will notify the BRACD PM.

APPENDIX A

BRAC 2005 PROPERTY TRANSFER PLAN GUIDANCE

BRAC 2005 PROPERTY TRANSFER PLANS

1. OVERVIEW.

The Army's goal is to close, realign, and transfer all BRAC 2005 Properties within four years of date that the recommendations of the Base Closure and Realignment Commission become law. In order to accomplish this goal, the Army will develop Property Transfer Plans to identify actions that the Army can take to accelerate property transfers and obtain fair market value consistent with laws and regulations. These Property Transfer Plans will be the basis for the future transfer negotiations for disposition of the excess BRAC 2005 property.

2. INITIAL PROPERTY TRANSFER PLANS.

a. The Initial Transfer Property Plan. This plan is intended to provide a preliminary disposal strategy of the Army's selected BRAC 2005 Properties. BRAC Division will provide a list of the selected BRAC 2005 Properties.

b. Site Visit. The Army BRAC Division will visit each major BRAC 2005 Property to assist the local installation with developing the necessary information for the Initial Property Transfer Plan. This visit will focus on developing the information required for the initial Disposal Report (Enclosure 1) and Property Transfer Plan.

c. Scope of Initial Property Transfer Plan. The Initial Property Transfer Plan will include the following information:

1. Description of Installation.

2. Mission close out – the installation will provide the projected date for close out of mission activities.

3. Facility Assessment – (Using Enclosure 1 format)

A. Land Report – the USACE District office will render a title opinion identifying any significant title issues.

B. Encumbrances -

a. Outgrants Report – the USACE District/installation will identify any real estate outgrants.

b. Other encumbrances – the USACE District/installation will identify any other long-term encumbrances (e.g., facility use or other contracts).

C. Facilities Report – the installation will provide an inventory listing of buildings and a general assessment of conditions of buildings.

D. Infrastructure Report – the installation will provide an inventory listing of infrastructure and a general assessment of conditions of utilities infrastructure.

E. Maps –the BRAC Division will develop an electronic map to provide comprehensive site information (e.g., installation boundaries, location of buildings, current land uses, environmental remediation sites, wetlands, etc.) and associated data (e.g., condition of buildings, square footage, etc.). (Major sites only)

F. Environmental – the installation will identify environmental/munitions and explosives of concern (MEC) sites and provide cost to complete estimate. The Environmental Condition of Property (ECP) Report will be developed to document the environmental condition of the property.

4. Property Assessment. BRACD may obtain services of a private real estate consultant to obtain a property assessment for selected BRAC 2005 Property. The assessment will include:

- A. Assessment of local economic and real estate market conditions.
- B. Identify a range of potential reuse alternatives (including a preliminary map).
- C. Assessment of overall marketability of property.

The Assessment will be developed in consultation with the local community leaders and the Local Reuse Authority (LRA). A copy of information developed will be provided to the local community leaders and LRA to provide an independent professional assessment of the range of reuse alternatives for the property.

5. Initial Transfer Plan. BRACD will submit the Initial Property Transfer Plan to DASA (I&H) for review and approval. This plan will provide a comprehensive assessment of the selected BRAC 2005 Properties. It will include the independent reuse assessment, transfer strategies to maximize property transfers and avoid potential pitfalls (e.g., Priority Transfer Candidates, Early Transfer Candidates, bundling parcels to enhance marketability, etc.) and transfer timelines.

3. FINAL PROPERTY TRANSFER PLAN

a. Final Property Transfer Plan. BRACD will develop the Final Property Transfer Plan, which will establish the framework for future disposition of major BRAC 2005 Property. It will have the same basic format as the Initial Property Transfer Plan but will be updated to include additional pertinent information regarding the property, the results of the Federal Property Screening Process, and the LRA Reuse Plan.

b. The Property Screening Process. BRACD will use the results of the federal and LRA screening to develop the Final Property Transfer Plan.⁸

⁸ Additional information on the screening process is available in the draft DoD 4165.66-M Base Reuse and Redevelopment Manual (BRRM), Chapter 5. A copy of the BRRM is available in Federal Register, 9 Aug 05, Part 174, which revised DoD Manual, DoD 4165.66-M, and renamed the manual "Base Redevelopment and Realignment Manual. See <http://www.gpoaccess.gov/fr>

c. **Public Sale Marketing Plan.** If the Army is not able to identify a potential property recipient as a result of the Property Screening process or through negotiations with the LRA, the Final Property Transfer Plan will examine transferring the property through a public sale. USACE will develop the Public Sale Marketing Plan to allow the Army to most effectively market the property and accomplish its property transfer goals in a manner consistent with the approved Local Reuse Plan.

d. **Final Property Transfer Plan.** BRACD will submit the Final Property Transfer Plan to DASA (I&H) for review and approval. This Plan will include recommendations regarding the disposition of the property based on the results of the federal property screening process, the Local Reuse Plan, and the Army's property transfer goals. In addition, it will recommend actions that the Army can take to maximize property transfers and avoid potential pitfalls (e.g., Priority Transfer Candidates, Early Transfer Candidates, bundling parcels to enhance marketability, public sale of the property, etc.) and avoid potential pitfalls. The Plan will be the basis for the future transfer negotiations for disposition of the excess property.

4. STATUS REPORTS.

BRACD will provide regular status reports to DASA (I&H) to monitor progress or make necessary adjustments in the Final Property Transfer Plans.

ENCLOSURE 1
DISPOSAL REPORT

ENCLOSURE 1

January 2006

DISPOSAL REPORT

During the disposal process, the first step is the preparation of a Disposal Report. This report is a checklist that pulls together numerous other reports and reviews into one file. Certain questions may require the attachment of supporting information or documents. The Disposal Report will serve two purposes: one, to yield a final product that can be staffed for approval and two, a file that will be put in the historical real property file as part of the basis for changes in the real property inventory. The final approved package is designed to incorporate all data necessary to either complete a disposal within the authority of DA or to report the subject property to GSA for completion of the disposal and to show the issues that were considered throughout the chain of command. Should disputes or questions arise later, the Disposal Report will show the absence or presence of an issue, as known by the parties at the time.

Various approving officials along the way will review the Disposal Report. The Determination would be signed by the official with the delegated authority to approve the type disposal action. The final approving official will sign a Determination, with the type of determination dependent on the authority for the disposal and the action being approved. Formats for the Determination are at the end.

The Disposal Report format has been set up so that different sections can be prepared and staffed separately and concurrently with different Army elements reviewing and approving, as required. Flexibility and efficiency are essential. The Disposal Report does not have to be prepared sequentially. It has become more and more important to have a historical document that contains all the pieces to the process and that shows both the issues considered and the issues applicable.

The Disposal Report pulls together in one place the description of the real property being considered for disposal; the facilities and buildings on the land, the environmental reviews under NEPA, CERCLA, and other environmental and cultural acts that affect real property; and a summary of the title held by the United States of America and any encumbrances on that title. If disposal is approved, the Disposal Report will be the basis for the creation of the actual disposal documents to divest the USA of title or DA of control and for changes to the real property inventory and any audits performed under the Chief Financial Officers Act.

The Disposal Report (with attachments) will be forwarded to HQDA, if applicable, via a cover certification that states that staffing has been completed: i.e. for military actions, staffed within required Installation and IMA offices (BRAC, environmental, legal and real estate) and USACE, or for civil works projects, staffed within the Project, District elements (operations, planning, legal and real estate) and USACE. When responding to an item for which the answer is contained in a document previously submitted to the IMA or to HQDA (in sufficient copies), clearly identify where the document is located and reference document title, date, page, paragraph, etc. In some situations, summary information may be appropriate, with reference to where the full report or document is located.

DISPOSAL REPORT

January 2006

Section A.

Section A of the Disposal Report would usually be the start of the disposal process. Section A has an executive summary of the action and general and operational information. If the disposal will encompass distinct parcels, then the Disposal Report may be subdivided into sections for each parcel. If disposal is the culmination of the master planning or utilization review process, then this section would pull information from those reports or plans. If a private party has requested the disposal, then the office that takes the request would fill in as much information as is available and submit it for further processing. The disposal may also be initiated by special site-specific legislation or by the Base Realignment and Closure (BRAC) process. This section should be a collaborative team effort between the Installation or Civil Works Project staff and the appropriate USACE district real estate office. It should use appropriate information systems and inventory data to the maximum extent. Any discrepancies in the official real property inventory and data found during this process should be noted and corrected, with appropriate documentation

Section B.

Section B contains information on buildings and improvements, if applicable. The Installation or Civil Works Project/USACE would usually do this section using data in the official real property inventory systems.

Section C.

Section C captures, for the deciding officials, a summary of various environmental actions that need to precede the disposal action and to provide evidence of compliance. If the goal is to report the property excess to the General Services Administration (GSA), then GSA rather than DA will perform certain environmental actions as part of the disposal process and that should be reflected in the Disposal Report. If the Disposal Report is required to be forwarded to HQDA, and a Record of Consideration cites Categorical Exclusion based on a pre-existing NEPA analysis, then appropriate extracts from the NEPA document are to be attached to the Disposal Report. This section does not supersede the authorities or requirements for compliance held within the environmental elements. This section would be added or verified by the appropriate environmental office or offices with expertise in the required areas. This section may be divided into more than one subpart if several offices each need to sign a portion. The Findings of Suitability and the environmental site assessments should be prepared in accordance with AR 200-1 and DA PAM 200-1, or the most recent guidance. National Environment Policy Act (NEPA) documentation should be in accordance with AR 200-2.

Section D.

Section D is the Title Report. The appropriate USACE District office that has the official title documents and records would add this section. If the property will be reported to the General Services Administration (GSA), GSA requires a Holding Agency's Title Report to accompany the SF 118, Report of Excess. If the property will not be reported to GSA, then this Section may be abbreviated to fit the circumstances. At the least, any reverters and encumbrances that affect the disposal action must be included.

If the property will be reported to GSA, Army/USACE will partner early with the applicable regional office of GSA. GSA and DA have agreed that the Army DISPOSAL REPORT can be incorporated into the SF 118 report, rather than repeat the same information. See GSA guidance on the SF 118 and disposal checklist online at <http://propertydisposal.gsa.gov/ResourceCenter/nonPRmain.asp>.

DISPOSAL REPORT

January 2006

A.1. EXECUTIVE SUMMARY:
1. Installation or Civil Works Project: <i>(Editorial Note: Use full official name and any also known as (AKA) names)</i>
2. Brief summary of the mission, historical use of the property. Current land uses shown in the Master Plan may be attached as a map.
3. Brief summary of the proposed Real Estate action.
4. Congressional delegation information, including the nature and extent of Congressional interest and/or involvement, if any:
5. Attach documentation, if any, required by AR 5-10, <i>Stationing</i> .
6. Describe impact of the disposal on installation or project resources:
7. Describe impact of the disposal on the local civilian community, if any:
8. Results of the DOD screening performed by the supporting USACE district.
<i>[Editorial Note: If there will be discrete parcels within one overall disposal action, add a table of contents showing the designation for how the parcels are identified and set out within the Disposal Report.]</i>
A.2. GENERAL.
<i>[Editorial Note: if there will be discrete parcels within one overall disposal action, then a separate section may be done for each parcel, i.e. A.2.1. Administrative Parcel; A.2.2. Housing Parcel. See above.]</i>
1. General property description of the property: Acreage _____; Land character _____. Tract Number(s) or other property identification number(s) _____
2. The property interest held by the United States in the affected real estate: <input type="checkbox"/> fee simple title <input type="checkbox"/> easement <input type="checkbox"/> in-lease <input type="checkbox"/> other (explain). <i>[Editorial Note: General summary only. Details will be in Section D, Report of Title.]</i>
3. Will the proposed disposal action trigger any reversions of title, automatic claimants such as Tribal property, or other encumbrances on conveyance or transfer? <input type="checkbox"/> No <input type="checkbox"/> Yes, briefly describe issue and provide more details in Section D, Report of Title.
4. Department of the Army (DA) holds the property through: <input type="checkbox"/> Direct control. Explain. <input type="checkbox"/> Permit, use agreement, etc., from another Federal agency. Details: _____ <input type="checkbox"/> Withdrawn from the public domain. Provide details of the withdrawal as well as discussion of relinquishment requirements set forth at 43 C.F.R. Part 2370, and attach information required by Appendix E, Notice of Relinquishment.
5. Federal Legislative Jurisdiction. a. Type of Federal legislative jurisdiction: <input type="checkbox"/> exclusive <input type="checkbox"/> concurrent <input type="checkbox"/> partial <input type="checkbox"/> proprietary b. If other than proprietary, is jurisdiction to be relinquished prior to the divesting of title by the USA or

DISPOSAL REPORT

January 2006

the transfer to another agency?

☐ No ☐ Yes, explain and provide any time requirements.

c. Does the legislative jurisdiction have unusual terms and conditions that will impact the proposed disposal?

☐ No ☐ Yes, explain and attach copies of original deeds or orders ceding jurisdiction or a summary.

6. Cemeteries

a. Is there a post cemetery located on the property?

☐ No ☐ Yes, attach summary of post cemetery record or where they can be viewed.

Is it eligible for transfer to the Veterans Affairs?

☐ No ☐ Yes, Explain and describe any past efforts.

c. Does the area contain a privately-owned cemetery or burial plots?

☐ No ☐ Yes, attach data on location and ownership, including specific information on outstanding access rights. Describe any special restrictions or issues.

d. Is there a cemetery, owned by the USA, but with private burial plots or rights?

☐ No ☐ Yes, attach data on location, including specific information on outstanding rights and burial easements that have been issued over the years. Describe any special restrictions or issues.

7. List any site specific limitations, restrictions, or conditions to be included in the disposal document for compatibility with the operation of the installation:

[Editorial Note, if operational impact is significant, disposal may not be possible.]

8. Utilities.

a. Utilities are currently provided by

- ☐ public utility companies
- ☐ private utility companies
- ☐ installation facilities.

b. Describe the availability of utilities to the area after disposal and any actions required to transition from the current ownership to ownership after disposal.

c. Will new easements need to be issued to current providers under a Government contract to document current utilities after divestiture of title from the USA? ☐ No ☐ Yes, explain.

[Editorial Note: Be sure that the utility improvements and facilities are discussed in Section B]

9. Potential Future Use

a. Data on potential for industrial use or other know commercial use.

b. Data on other known highest and best use.

c. Are there airport facilities located on the property or adjoining airports that may require aerial approaches or overfly rights, reservations to maintain freedom from electronic interference, or smoke-producing activities?

[Editorial Note: Describe coordination with the Federal Aviation Agency (FAA). Include any pending applications and attach copies of any determination from FAA on potential transfer for airport purposes. FAA guidance on airports can be found at <http://www.faa.gov> FAA may request DA to convey property or other interest to an airport sponsor under 49 USC 47125. Also, airport transfer of surplus property is a public benefit transfer under 40 USC 47151-47153.]

10. Boundary and Encroachments.

Are there known boundary line issues or encroachments?

☐ No ☐ Yes, explain and attach map showing issue area.

DISPOSAL REPORT

January 2006

11. Tenants, Privatization and Outgrants.

a. Is there a Residential Communities Initiative project on this property?

☐ No ☐ Yes, describe term remaining and any Purchase Option rights held by the lessee.

b. Is the property encumbered by an Enhanced Use Lease or other long-term outlease?

☐ No ☐ Yes, describe term remaining and any First Right to Buy clauses in the lease.

c. Are there other DOD entities or other Federal agencies in possession of portions of the property?

☐ No ☐ Yes, describe term remaining, facilities owned by the tenant, any requests by the tenant for transfer of the property, and any other relevant terms and conditions.

d. Other than the above, are there other non-Army uses of any portion of the property that may interfere with the disposal?

☐ No ☐ Yes, describe term remaining, facilities owned by the tenant, any requests by the tenant for transfer of the property, and any other relevant terms and conditions.

12. Stewart B. McKinney Homeless Assistance Act Of 1987 (McKinney Act) Requirements:

☐ McKinney Act requirements do not apply to this action. Cite reason.

☐ McKinney Act requirements apply, necessary screening has been completed, and no interest was expressed. Cite date/page of screening in Federal Register.

☐ McKinney Act requirements apply, necessary screening has not been completed. Explain actions being taken.

☐ If the property is being reported to GSA, request McKinney Act requirements be accomplished by GSA.

13. Any other known or reasonably foreseeable legal, policy, or project mission-related issues that may affect the proposed action relating to this property.

14. Other Applicable Laws, Regulations, MOAs, etc., that should be addressed while proceeding with this action:

15. Funding: Administrative expenses and other estimated costs to further process the disposal:

USACE District costs: _____

Installation costs: _____

Funds are currently available:

☐ Yes ☐ No, explain.

Administrative Expenses will be collected from the grantee

☐ Yes, in full from the grantee.

☐ Yes, partially from the grantee.

☐ No.

16. Date premises will be vacated:

17. Names of interested parties, if applicable.

18. Installation/Project Point of Contact:

19. RECOMMENDATION:

☐ I recommend that the proposed real estate disposal be approved and that the action proceed

DISPOSAL REPORT

January 2006

☐ I do not recommend that the proposed real estate disposal be approved and recommend that no further review and processing be done.

Date

SIGNATURE
Title

Encls

Maps [*Editorial Note: The following is a suggested list. The maps can be attached in electronic format. Rather than attach, may give location, i.e. located in the _____ District, (address)*]

1. Showing the disposal area in relationship to the nearest project or installation boundary
2. Acreage
3. Character of land
4. Location of improvements, if both land and improvements are included.
5. Original acquisition maps, if available
6. Parcel maps
7. Ownership maps, showing known encumbrances
8. Aerial photographs
9. Other as applicable

DISPOSAL REPORT

January 2006

B. IMPROVEMENTS:

1. BUILDING AND FACILITIES

a. Are Government buildings and facilities included in the area:

☐ No, skip to B.2.

☐ Yes

If Yes, give details on each building and improvement, including Inventory Identification No, Condition of the facilities, values shown in the official real property inventory, and estimated care and custody costs. List any Installed Equipment, fixtures or related personal property and if such is not to be sold with improvement, explain.

b. Floor plans and as built drawings: Copies may be attached, if it adds to the decision process, or cite where copies are available for review.

c. Type of funds used for construction: ☐ Appropriated ☐ Nonappropriated ☐ Other

d. Proposed method of disposal, if not being transferred with the underlying land.

e. Does disposal comply with MCA Program, Disposal of Structures, construction directive, and the installation master plan

☐ Yes ☐ No, explain

f. Mobilization statement _____

g. If family housing facilities, then include here any family housing information required by AR 210-50, Family Housing Management

h. Except for BRAC, explanation of proposals to dispose of structures transferred less than two years before to the using command.

2. HISTORICAL

a. Do any fixtures or related personal property have possible historic or artistic value?

☐ No ☐ Yes, provide specific identification and description of fixtures and related personal property that have possible historic or artistic value; explain recommended disposition.

b. Has the buildings or improvements been identified as historical and/or cultural resources?

☐ No ☐ Yes, see Section C for details and/or give a brief summary.

3. ASBESTOS.

a. If any building or improvement contains asbestos, include a description of the type, location, and condition of asbestos incorporated in the construction, repair, or alteration of any building or improvement on the property (e.g., fire-proofing, pipe insulation, etc.) and a description of any asbestos control measures taken for the property.

b. If the property will be reported to GSA, then provide any available indication of costs and/or time necessary to remove all or any portion of the asbestos-containing materials. Agencies are not required to conduct any specific studies and/or tests to obtain this information. (The provisions of this subpart do not apply to asbestos on Federal property which is subject to section 120(h) of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499.)

4. INFRASTRUCTURE – Utilities:

a. Are there Utility distribution systems in the disposal area?

☐ No ☐ Yes. If Yes, give details on each system, including Inventory Identification No, condition of the facilities, values shown in the official real property inventory, and estimated care and custody costs. List any Installed Equipment, fixtures or related personal property and if such is not to be sold with improvement, explain.

DISPOSAL REPORT

January 2006

- b. Type of funds used for construction:
☐ Appropriated ☐ Nonappropriated ☐ Other

- c. Proposed method of disposal, if not being transferred with the underlying land.

[Editorial Note: If the utility distribution systems are being disposed of, then they should be described separately. Also, if there are sewage treatment, power generating or water treatment facilities located on the disposal site, then the status of ownership and disposal should be discussed. Also, describe condition, including whether the facilities were built to Army standards and/or do they meet standards for public/private operation, if known.]

5. INFRASTRUCTURE – OTHER:

- a. Are there other linear systems or other infrastructure real property items in the disposal area?
☐ Yes ☐ No.

If Yes, give details on each system, including Inventory Identification No, condition of the facilities, values shown in the official real property inventory, and estimated care and custody costs. List any Installed Equipment, fixtures or related personal property and if such is not to be sold with improvement, explain.

- b. Type of funds used for construction: ☐ Appropriated ☐ Nonappropriated ☐ Other

- c. Proposed method of disposal, if not being transferred with the underlying land.

[Editorial Note: Infrastructure improvements should be set out separately. These include roads, railroads, dikes, revetments, levees, terraces, walls, fences, etc. Dams, lakes, storm drain systems, and drainage ditches should be discussed here unless an integral part of a utility system discussed in Section 2]

6. Describe Demolition or Site Restoration to be performed, if any, prior to disposal.

7. Actions necessary to remove hazards and associated costs:

8. Any other known or reasonably foreseeable legal, policy, or project mission-related issues that may affect the proposed action relating to the various improvements and facilities on the property.

9. Other Applicable Laws, Regulations, MOAs, etc., that should be addressed while prosecuting this action.

10. RECOMENDATION:

- ☐ I recommend that the proposed real estate disposal be approved and that the action proceed.
- ☐ I do not recommend that the proposed real estate disposal be approved and recommend that no further review and processing be done.

Date

SIGNATURE
Title

Encl 1.

List of improvements, including designation, description, and type of construction *[Editorial Note: May use a DA Form 337, REQUEST FOR APPROVAL OF DISPOSAL OF BUILDINGS AND IMPROVEMENTS, or a listing from the inventory.]*

DISPOSAL REPORT

January 2006

C. ENVIRONMENTAL and CULTURAL CONSIDERATION:

1. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS:

a. The requirements under NEPA for the proposed action have been met as follows:

☐ CX/REC. This action falls under one of the Categorical Exclusions (CX) contained in AR 200-2 (Environmental Effects of Army Actions) and/or ER 200-2-2 (civil works property only); **and** there are no extraordinary circumstances that result in the proposed action having an impact on the human environment that would require an EA or EIS. The environmental effect of the action has been considered. A Record of Environmental Consideration (REC) is attached, indicating the CX for this proposed action.

[If the Disposal Report is required to be forwarded to HQDA, and the CX is based on a pre-existing NEPA analysis, then state:

☐ for BRAC, NEPA document is on file at HQDA (Identify location, title and date: _____)

☐ attached or pertinent extracts attached. If the entire analysis was too large to attach, then state where it can be viewed _____.

☐ EA/FONSI. The impact of this action is considered to be minimal or insignificant. The Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) is:

☐ for BRAC, on file at HQDA (Identify location, title and date: _____)

☐ attached or pertinent extracts attached. If the entire EA/FONSI was too large to attach, then state where it can be viewed _____.

☐ EIS/ROD. The impact of this action is considered to be significant. An Environmental Impact Statement (EIS), or supplement thereto, along with the Record of Decision (ROD) is:

☐ for BRAC, on file at HQDA (Identify location, title and date: _____)

☐ attached or pertinent extracts attached. If the entire EIS was too large to attach, then state where it can be viewed _____.

b. For EA and EIS, identify mitigation actions, if any, which are required, costs, and responsible party for the mitigation:

c. If the EIS or EA covers more than the proposed action, explain how and where the action is analyzed and considered in the NEPA documentation:

2. HISTORICAL AND CULTURAL RESOURCES:

☐ The area has been surveyed for historical and cultural resources and there have been none identified on this property. This action is in compliance with the National Historic Preservation Act and other relevant laws; Executive Order 11593, Protection and Enhancement of the Cultural Environment; or any MOA's related thereto.

☐ Historical and/or cultural resources have been identified on this property. This action has been coordinated with the State Historic Preservation Officer and/or the Advisory Council on Historic Preservation in accordance with 36 CFR 800. [Attach documentation] The following restrictions must be incorporated into the disposal document to protect the resource:

Is there a Programmatic Agreement implementing Section 106 of NHPA, or other memorandum of agreement covering use of this property?

☐ No ☐ Yes, provide date, attach and/or explain.

DISPOSAL REPORT

January 2006

☐ The property is listed, is eligible for, or has been nominated for listing in the National Register of Historic Places or is in proximity to a property on the National Register. Explain.

Are you aware of any effort by the public to have the property listed on the National Register (report must also include this information)?

☐ No ☐ Yes (if so, attach and/or explain).

☐ Native American graves have been identified on this property. Refer to requirements of the American Indian Religious Freedom Act and Native American's Graves Protection and Repatriation Act. Explain.

☐ Archaeological sites or resources have been identified on this property. Refer to the Antiquities Act; Archaeological and Historical Preservation Act; and Archaeological Resources Protection Act.

3. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

[Editorial note: The Finding of Suitability provides CERCLA information from a complete search of agency files during the development of various environmental assessments and surveys. List the environmental site assessment (ECP report, EBS or current report, per AR 200-2, ENVIRONMENTAL PROTECTION AND ENHANCEMENT) and other relevant documents, e.g., NEPA analysis, Remedial Investigations, Feasibility Studies, Asbestos Surveys, Lead Based Paint Surveys, Radiological Surveys, Radon Surveys, Unexploded Ordnance Clearance Reports, Environmental Compliance Assessment System (ECAS), etc.]

If the property will be reported to GSA, then we do not have to prepare the Finding, but we do an environmental assessment.]

a. A determination of the environmental condition of the property has been made based upon primary environmental site assessments.

☐ Yes ☐ No, explain

b. Copies of the primary environmental site assessments, e.g., Environmental Site Assessment, BRAC ISI, Environmental Baseline Survey (EBS), etc. are:

☐ if BRAC, on file at HQDA (Identify location, title and date: _____)

☐ attached or pertinent extracts attached. If the entire assessments are too large to attach, then state where they can be viewed _____.

c. A draft Finding of Suitability is attached, including the Environmental Protection Provisions applicable to this action, if any.

☐ Yes. ☐ No, explain

d. The DOD Environmental Condition of Property (ECP) categories for the property is _____:

e. Storage, Release, or Disposal of Hazardous Substances

☐ There is no evidence that hazardous substances were stored, released, or disposed of on the property in excess of the 40 CFR Part 373 reportable quantities, nor petroleum products. The appropriate officials have approved the use of CERCLA 120(h)(4) Notice and Covenant is set out in the Finding of Suitability and will be included in the Deed. Go to question 4.

☐ Hazardous substances were stored for one year or more and released or disposed of on the property in excess of reportable quantities specified in 40 CFR Part 373. The appropriate CERCLA 120 (h)(3) Covenant and Notice and description of remedial action is described in the Finding of Suitability and will be included in the Deed.

4. Is there a Care and Custody plan?

☐ No ☐ Yes, discuss the:

DISPOSAL REPORT

January 2006

- Responsible agency for custody and accountability
- Security measures necessary to prevent degradation
- Source of funds
- Estimated cost to implement plan which separately identifies any cost for any family housing area

5. Environmental Remediation Agreements

There are environmental orders/agreements applicable to the property?

☐ No, there are no environmental remediation orders or agreements applicable to the property being transferred.

☐ Yes [Identify any environmental agreements or orders, e.g., Federal Facility Agreements, RCRA corrective action orders, etc.]

All remediation activities on the property, required by such agreement or order, are completed or in place and operating properly and successfully?

☐ Yes ☐ No, explain

6. Does the property have PCB containing equipment is located on the property: _____

☐ No

☐ Yes, list type and location of equipment, e.g., transformer in Building XX, etc.

This equipment is operational, properly labeled in accordance with federal and state regulations, and has been determined **not** to be leaking.

☐ Yes ☐ No, explain.

7. CLEAN AIR ACT (Federal Conformity Requirements):

☐ This action does not require a written conformity determination in accordance with EPA's rule because:

☐ The installation is in an attainment area. NOTE: The EA or EIS must contain a statement that the action conforms to the applicable State or Federal Implementation Plan, if any, with adequate supporting analysis.

☐ The installation is in a non-attainment or maintenance area and the action falls within an exemption in the rule. Attach a Record of Non-Applicability (RONA) in accordance with Army Guidance. Explain

☐ This action is not exempt from the conformity regulation. Attach conformity determination. Describe the mitigation requirements or other restrictions, if any, which must be incorporated in the disposal documents.

8. COASTAL ZONE MANAGEMENT (CZM) (if applicable):

☐ CZM is not applicable.

☐ CZM is applicable and the proposed disposal is/will be consistent with the approved state CZM Plan. State any restriction that may need to be in the disposal document. Describe any commitments or agreements made under a CZM. Identify state CZM compliance certifications, if applicable.

9. CLEAN WATER ACT (Section 401 - State Water Quality Certification)

If applicable, reference or attach State Certificate.

10. CLEAN WATER ACT (FEDERAL WATER POLLUTION CONTROL ACT Section 402 – National Pollutant Discharge Elimination System (NPDES) Permit or State equivalent from the EPA/appropriate state agency:

☐ This disposal action will not involve the discharge of any pollutants into the waters of the United States.

☐ This action will entail the discharge of pollutants into the waters of the United States. Explain.

Is there a NPDES permit?

☐ Yes ☐ No, explain.

11. CLEAN WATER ACT (Section 404(b)(1) - Fill Permit)

☐ This action will not involve the discharge of any fill into the waters of the United States including

DISPOSAL REPORT

January 2006

wetlands.

() This action will entail the discharge of fill into the waters of the United States, including wetlands. A Section 404(b)(1) Evaluation & Permit, and a Section 401 State Water Quality Certification are required. The following restrictions must be incorporated in the disposal document:

12. Wetlands Conservations

[Editorial Note: Exec. Order 11990 applies to all Federal agencies which: (a) acquire, manage, and/or dispose of Federal lands and facilities; (b) provide federally sponsored construction and improvements; and (c) conduct Federal activities and programs affecting land use. Sec. 4 requires that "when federally owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way, or disposal to nonfederal public or private parties, the Federal agency shall reference in the conveyance those uses that are restricted under identified Federal, state or local wetlands regulations, and attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or withhold such properties from disposal.]

[] This property is not located within a wetlands area and, therefore, does not fall under the purview of Executive Order 11990 and no restriction are required in the disposal documents.

[] This property is located within a wetlands area and does fall under the purview of Executive Order 11990, accordingly, the following restrictions must be incorporated in the disposal document:

13. Highly Erodible Land (HEL) and Wetlands Conservation (WC).

[Editorial Note: USDA Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), implements the Highly Erodible Land and Wetland Conservation provisions of the Food Security Act of 1985, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Agriculture Improvement and Reform Act of 1996. The HEL and WC programs under these acts do not supersede the wetland protection authorities and responsibilities of the Environmental Protection Agency [EPA] or the Corps of Engineers [the Corps] under Section 404 of the Clean Water Act. EPA, the Corps and NRCS have an MOA and they agreed to follow certain guidelines for delineating wetlands. The MOA agencies currently use the 1987 Corps of Engineers Wetland Delineation Manual (1987 Corps Manual) for delineating wetlands on areas where the native vegetation is intact (i.e., non-agricultural lands) and use the National Food Security Act Manual, Third ed. (NFSAM), for delineating wetlands on areas where the native vegetation has been removed due to ongoing agricultural activities (i.e., agricultural lands). Army as a landlord may have lands designated as HEL or WC under previous Agricultural and Grazing Leases. In addition, we may have qualifying soil conservation structures.]

a. Has the Natural Resources Conservation Service (NRCS) issued a Highly Erodible Land or WC determination for the subject real property?

[] No [] Yes, provide summary of NRCS's findings and attach a copy of any determinations/delineations. List any restrictions or notices required to be incorporated into the disposal documents.

b. Are there soil and water conservation structures or other conservation systems to reduce soil erosion or substantial improve soil conditions on a field or group of fields containing highly erodible cropland on the premises?

[] No [] Yes, provide description and location. List any restrictions or notices required to be incorporated into the disposal documents.

14. Prime or Unique Farmlands (Farmland Protection Policy Act (FPPA), 7 USC 4201) [Note: this is new]

[] The proposed real estate action is **not** a Federal project or activity as defined in the FPPA. No further FPPA inquiry is required.

[] The proposed real estate action is a Federal project or activity as defined in the FPPA, and **may** convert prime, unique, or important farmland to nonagricultural uses; further:

DISPOSAL REPORT

January 2006

☐ Natural Resources Conservation Service (NRCS) has evaluated and assessed the site and determined: _____ (include summary of NRCS findings, LESA farmland conversion impact rating score, and other pertinent data). Explain any impact on the disposal action.

☐ It has been determined that the proposed project and farmland conversion is consistent with the FPPA and DA internal policies. Explain any impact on the disposal action.

☐ It has been determined that the proposed project and farmland conversion is not consistent with the FPPA and DA internal policies. Explain any impact on the disposal action.

15. FLOODPLAIN:

[Editorial Note: Exec Order 11988, requires each agency to take certain actions to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for acquiring, managing, and disposing of Federal lands, and facilities. When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.]

☐ Per a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available, or best available data if no such map is available, this property is not located within the 100 year floodplain and does not fall under the purview of Executive Order 11988.

☐ This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988:

- a. The disposal documents should contain the following restrictions on use under identified Federal, State or local floodplain regulations: _____
- b. It is recommended that these additional restrictions on use be included in the disposal documents: _____

☐ This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988, however, disposal will be to a Federal agency and no restrictions on use are required.

16. ENDANGERED SPECIES:

[Editorial Note: Section 7 of the Endangered Species Act directs all Federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the U.S. Fish & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Section 7 applies to management of Federal lands as well as other Federal actions that may affect listed species.]

☐ This action will not jeopardize any threatened or endangered species of fish, wildlife, or plants or destroy or adversely modify designated critical habitat pursuant to the Endangered Species Act.

☐ This action **may** jeopardize threatened or endangered species of fish, wildlife, and/or plants or destroy or adversely modify designated critical habitat as identified on an attached map. Show status of the section 7 consultations with FWS/NMFS, including copies of any correspondence. List restrictions that must be incorporated in the disposal document to protect the habitat or species.

☐ This action **will** jeopardize threatened or endangered species of fish, wildlife, and/or plants or destroy or adversely modify designated critical habitat as identified on an attached map. Attach biological opinions, conference opinions or Early Alerts from FWS/NMFS, including copies of any correspondence and reasonable and prudent alternatives. List restrictions that must be incorporated in

DISPOSAL REPORT

January 2006

the disposal document to protect the habitat or species.

17. FISH AND WILDLIFE COORDINATION ACT:

- ☐ This property was acquired under the FWCA for fish and wildlife purposes, is covered by Congressionally authorized fish and wildlife mitigation restrictions, is covered by a General Plan, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA.
- ☐ No ☐ Yes, can this property be utilized for wildlife conservation by the state agency exercising administration over wildlife resources upon that property?
- ☐ No
- ☐ Yes, transfer to this state agency for this purpose is recommended under authority of 16 USC § 667 or if it has value to the migratory bird program, to the Secretary of Interior under § 667b.
- ☐ Yes, but transfer to this state agency for this purpose is not recommended. If so, explain.
- ☐ This property is not covered by the FWCA.

18. Did past activity involve the use of insecticide, fungicide, and rodenticide so that compliance with the Federal Insecticide, Fungicide, and Rodenticide Act was necessary, e.g. Agricultural, golf courses, restaurants?

- ☐ No ☐ Yes, explain any impacts on the disposal action

19. Will the proposed disposal impact an area designated under the Wild and Scenic Rivers Act?

- ☐ No ☐ Yes, explain

20. Is there Asbestos Containing Material (ACM) in the buildings?

- ☐ No, there is no evidence that buildings or structures with ACM are located on the property.
- ☐ Yes, this is covered in the environmental assessments and in the Finding of Suitability with appropriate provisions set out. See _____ for additional information. **[Cite Asbestos Survey (if any)]** Generally, describe condition, type, and any pre-disposal recommendations:
- ☐ The ACM does not currently pose a threat to human health or the environment because all friable asbestos that posed an unacceptable risk to human health has been removed or encapsulated.
- ☐ Any remaining friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because _____, **[Explain why, e.g., the buildings are scheduled for demolition and no occupation of the buildings will be permitted prior to demolition.]** The deed will include an asbestos warning and covenant

21. Are any buildings known or presumed to contain Lead Based Paint (LBP)?

- ☐ No, none known and/or based on the age of the buildings (constructed after 1978), no buildings on the property are presumed to contain lead-based paint.
- ☐ Yes, this is covered in the environmental assessments and in the Finding of Suitability with appropriate provisions set out. See _____ for additional information **[Cite LBP Survey (if any)]** Generally, describe condition, type, and any pre-disposal recommendations:
- ☐ The property was not used for residential purposes and the transferee does not intend to use the property for residential purposes in the future.
- ☐ The property was used for residential purposes and the transferee intends to use the property for residential purposes in the future. The deed will include a lead-based paint warning and covenants.

22. MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

[EDITORIAL NOTE: The term "MEC" means military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. 2710(e)(9); (B) discarded military munitions (DMM), as defined in 10 U.S.C. 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard.]

DISPOSAL REPORT

January 2006

☐ Based on a review of existing records and available information, none of the buildings or surrounding land proposed for transfer are known or suspected to contain Munitions and Explosives of Concern (MEC). *[Editorial Note: The Finding of Suitability should explain the basis for concluding there is no MEC on the property, e.g., the property was historically used as an administrative area and no record of MEC being discovered on the property, etc.]* Go to next Question.

☐ The property includes a site that was previously used for _____ *[Editorial Note: Describe munitions-related activities, e.g., live-fire training or testing, munitions manufacturing, demilitarization, such as open burning (OB) or open detonation (OD), or renovation, etc.]* that could result in MEC being known or suspected to be present.

☐ A Munitions Response was conducted on (date) and _____ *[Editorial Note: Describe Munitions Response, e.g., surface removal, subsurface removal to detection.]*

☐ Coordination with HQDA, DACS-SF and DAMO-SWS is attached with the Land Disposal Site Plan (LDSP). Reference AR 385-64, "US Army Explosives Safety Program."

☐ The _____ *[Editorial Note: Statement of MEC Removal or other appropriate document.]* concluded _____ *[Editorial Note: Summarize Statement recommendations.]* A copy of the _____ *[Editorial Note: Statement of MEC Removal or other appropriate document.]* is available for review at _____.

☐ The property has been remediated using the most appropriate technology consistent with the proposed disposal of the property.

☐ Transfer is to a non-Federal entity and due to the potential that MEC could remain below the clearance level, the deed will include a MEC Notice

☐ Transfer is to another Federal agency for compatible use of surface de-contaminated real property, subject to the following limitations, restrictions and prohibitions concerning the use of the property, to ensure personnel and environmental protection:

☐ Access rights should be reserved to implement any monitoring plan.

23. WASTE DISPOSAL (The Solid Waste Recovery Act, as amended; Resource Conservation and Recovery Act (RCRA)).

a. Waste treatment facilities, landfills, or other waste disposal sites:

☐ are not located on the site.

☐ are located on the site. Identify sites and attach a map showing location. Describe operating status of site. Do they have appropriate RCRA permits? Explain

b. Treatment, disposal or storage of waste defined by EPA as having the following characteristics - corrosivity, ignitability, reactivity, or toxicity

☐ were not located on the site

☐ were located on the site. Identify sites. Are closed sites noted on the site map?

24. UNDERGROUND AND ABOVE-GROUND STORAGE TANKS (UST/AST)

a. Current UST/AST Sites -

☐ There are no UST/AST on the property.

☐ There are _____ underground and/or _____ above-ground petroleum storage tanks (UST/AST) on the property.

1. Petroleum Product Releases.

The Finding of Suitability covers petroleum product releases, if any, which occurred at the sites:

☐ Yes ☐ No, explain. _____

2. Current compliance of the sites:

☐ The UST on the property are in compliance with current laws and regulations: ☐ Yes ☐ No.

☐ The AST for fuel or other regulated substances on the property are in compliance with current laws and regulations: ☐ Yes ☐ No.

DISPOSAL REPORT

January 2006

b. Former UST/AST Sites –

☐ There were no UST/AST on the property.

☐ There were _____ underground and/or _____ above-ground petroleum storage tanks (UST/AST) on the property that have been removed or closed in place.

1. The Finding of Suitability covers petroleum product releases, if any, which occurred at the sites:

☐ Yes ☐ No, explain.

2. Maps showing the location of any UST closed in place are available, as required by law.

☐ Yes. Either attach or explain where they are located.

☐ No, explain.

25. NON-UST/AST STORAGE, RELEASE, OR DISPOSAL OF PETROLEUM PRODUCTS

☐ There was non-UST/AST storage of petroleum products in excess of 55 gallons for one year or more on the property.

1. The Finding of Suitability discusses the type of petroleum activities:

☐ There was no evidence of petroleum releases in excess of 55 gallons as a result of these activities.

☐ Petroleum product release or disposal in excess of 55 gallons occurred at the following buildings or areas, and the Finding of Suitability discusses in detail.

☐ There is no evidence that non-UST/AST petroleum products in excess of 55 gallons were stored for one year or more on the property.

26. Will the proposed disposal activity require compliance with the Toxic Substances Control Act (15 USC, Chapter 53); or other special purpose environmental laws? Explain

27. Are there any other conditions that exist on the property that should be considered in the decision to dispose? Describe.

28. ADDITIONAL COMMENTS:

29. RECOMENDATION:

☐ I recommend that the proposed real estate disposal be approved and that the action proceed.

☐ I do not recommend that the proposed real estate disposal be approved and recommend that no further review and processing be done.

Date

SIGNATURE
Title

Encl 2. Attach as stated

DISPOSAL REPORT

January 2006

D. TITLE REPORT:

1. For each parcel, state the date and how the United States of America obtained title. Title can be acquired by Treaty, reservation during original statehood, transfer from another agency, deed, condemnation, set-aside by Executive Order, legislation or other pertinent act, or withdrawal from the public domain. Attach legible copies of title documents with an index in electronic media, such as Adobe .pdf format. If recorded in county land records, provide that information. State whether or not copies are available in the USACE district for review. If such documents are missing, explain. If the property was acquired by other than the above (including leasehold or license), provide an explanation and pertinent documentation.
2. If withdrawn from the public domain, provide documents from the Bureau of Land Management (BLM) as to whether or not it is suitable for return to the public domain. If BLM has certified that it is not suitable, then the property may be disposed pursuant to the Federal Property and Administrative Services Act of 1949. Enclose a copy of the BLM's notification and report and state if any other Federal agency or other party claims any jurisdiction (use) over withdrawn land.
3. Include BLM determinations as to whether the minerals will also be disposed.
4. State all exceptions, reservations, conditions, and restrictions relating to the title acquired and attach legible copies of all known easements, or other encumbrances. Copies of the Government's title insurance policies and final opinions of title by the Attorney General or USACE attorney, at the time of acquisition, should be gathered into a file and be available for transmittal, if needed, and state where the file can be viewed. Include any documentation addressing clouds on title, legal opinions, reversionary rights, and reservations of minerals or water rights.
5. Provide detailed information concerning any action, thing, or circumstance which has occurred from the date of acquisition of this property by the United States to the date of this report which in any way affected or may have affected the right, title, and interest of the United States in and to the real property (including copies of legal comments or opinions discussing the manner in which and the extent to which such right, title, or interest may have been affected). In the absence of any such action, thing or circumstance, include a statement to that effect. List all easements, permits, leases, licenses and other encumbrances affecting title and provide legible copies of same. Include ownership information of minerals and copies of leases, if appropriate.
6. Are there any outstanding easements, recapture rights or right of reverter held by the United States that need to be extinguished prior to disposal or included in the disposal?
7. Reference Section A. State the status of civil and criminal jurisdiction over the land that is peculiar to the property by reason of it being Government-owned land. In the absence of any special circumstances, a statement to that effect must be made a part of the report.
8. Reference Section C, which provides detailed information regarding any known flood hazards or flooding of the property, flood plain or wetlands, and applicable restrictions on use. If the property will be reported to GSA, repeat the information here on restricted uses (along with the citations) identified in Federal, State, or local regulations as required by Executive Orders 11988 and 11990 of May 24, 1977.
9. Reference Section B, which provides detailed information regarding any fixtures and related personal property that have possible historic or artistic value. If the property will be reported to GSA, then repeat the information here.
10. Reference Section C, which provides detailed information regarding the historical significance of the property, asbestos, hazardous substances and other environmental condition of the property. If the property will be reported to GSA, then repeat the appropriate information per GSA's guidance on Title Reports.

DATE

SIGNATURE
Title

Encls as stated. Attach a drawing, survey map and legal description, including the locations of all improvements. The drawing can be in electronic media, but should be clear enough for dimensions and acreage to be confirmed.

OVERVIEW

DETERMINATION by Approving Official

During the disposal process, the first step is to prepare a Disposal Report. Once the Disposal Report has been approved for further processing, a Determination is made by the official with the delegated authority to approve the type disposal action. For military actions, this official could be the Garrison Commander, the applicable Region Office, Installation Management Agency (RO, IMA)/BRAC Field Office, the Headquarters, IMA, the Assistant Chief of Staff for Installation Management (ACSIM), or DASA(I&H). For civil works actions, this official could be the Project Manager, the USACE District or Division, HQUSACE, or ASA(CW).

There are two basic types of Determinations. Select the most appropriate format.

1. Determination of Excess and/or Surplus. If the property will be disposed under the authority of the Federal Property and Administrative Services Act (FPASA), then a Determination must be made that the property is excess not only to Army needs or requirements but to DOD. If DA is the disposal agency, then the property must also be screened with other Federal agencies and declared surplus.

2. Determination Approving Disposal Action. If the property will be disposed under one of DA's Continuing Authority or under special site specific legislation, then it is not declared excess under FPASA but rather a Determination is made approving proceeding with the disposal under the applicable authority.

DETERMINATION - Certification

January 2006

CERTIFICATION

FOR THOSE ACTIONS TO BE EXECUTED BY ACSIM OR DASA (I&H):

The information furnished in the Disposal Report has been fully coordinated within required Installation, IMA and USACE offices [*Editorial Note: BRAC, if applicable, environmental, legal and real estate*] and is accurate and complete. I recommend that the Disposal Action proceed and that the Determination be executed.

Date

{Name of Certifying Authority}

Region Office, Installation Management Agency
[title]

I have reviewed Section C, Environmental Considerations, including all attachments, and, if this is a disposal action to be performed by DA, the draft Findings of Suitability and environmental site assessments, and have determined that the environmental considerations are legally sufficient.

Date

[Name]

(RO, IMA Staff Judge Advocate/Counsel

DETERMINATION

January 2006

DETERMINATION OF EXCESS

[Under BRAC]

1. The attached preliminary Installation-wide Disposal Report and Real Property Review and its findings have been reviewed.
2. I have determined that the designated real property is not required for Department of Army needs and the discharge of its responsibilities and is, therefore, excess to the Army. I approve the screening of Federal Agencies and DOD components.

Date

Joseph W. Whitaker
Deputy Assistant Secretary of the Army
(Installations and Housing)

DETERMINATION OF SURPLUS

[Under BRAC]

1. The attached preliminary Installation-wide Disposal Report and Real Property Review and its findings have been reviewed.
2. The property has been screened with Federal Agencies and DOD components.
3. No other DOD component has identified a mission requirement for the property *[Editorial Note: except out any parcels not included]*. I have determined that the designated real property [except for parcel x] is not required for Department of Army or DOD needs and the discharge of its responsibilities and is, therefore, excess to DOD.
4. The property has been screened with other Federal agencies and no Federal agency has identified a requirement or need for the property *[Editorial Note: except out any parcels not included]*. . I have determined that the designated real property is now surplus to the needs of the United States of American *[Editorial Note: except out any parcels not included]*. .
5. Disposal may proceed under the applicable Base Realignment and Closure laws and the Federal Property and Administrative Services Act of 1949 (62 Stat.377) as amended, and its implementing regulations and delegations.
6. The disposal of specific parcels will be approved based upon site specific Disposal Reports and supporting *[Editorial Note: state type of Finding: FOST/FOSET/ECOP]* and any restriction, covenants or conditions identified must be placed in the disposal documents in accordance with applicable laws, rules and regulations.

Date

Joseph W. Whitaker
Deputy Assistant Secretary of the Army
(Installations and Housing)

DETERMINATION

January 2006

DETERMINATION OF EXCESS AND/OR SURPLUS

[Under FPASA]

1. The attached Disposal Report and its findings have been reviewed.
2. The property has been screened with HUD for suitability for the homeless and (explain results of screening). (See most recent guidance on homeless screening for any exceptions. Generally, screening is applicable when Department of the Army is the disposal agency and when no special legislation has been enacted.)
3. *[Editorial Note: Select appropriate statement]* [No special use improvements are located on the property] or [The property contains special use improvements and the disposal has been approved by the appropriate Army elements. (discuss if appropriate)]

[Editorial Note: Select one of the following paragraph 4 alternatives]

4. The property has been screened with Army/Navy/Air Force/Coast Guard installations and civil works projects known to have a possible interest in the property and those within a 50-mile radius of the property, Region Offices, Installation Management Agency (IMA) and DOD agencies. No other DOD element has identified a mission requirement for the property. I have determined that the designated real property is not required for Department of Army or DOD needs and the discharge of its responsibilities and is, therefore, excess to the Army and DOD. The property will be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (62 Stat.377) as amended, and its implementing regulations and delegations.

4. The property has been screened with Army/Navy/Air Force/Coast Guard installations, civil works projects, and Federal agencies known to have a possible interest in the property and those within a 50-mile radius of the property, Region Offices, Installation Management Agency (IMA) and DOD agencies. No other DOD element or Federal agency has identified a mission requirement for the property. I have determined that the designated real property is now surplus to the needs of the United States of America. Disposal may proceed under the Federal Property and Administrative Services Act of 1949 (62 Stat.377) as amended, and its implementing regulations and delegations.

5. Coordination: (list)

6. The proposed disposal is approved subject to the restrictions stated in the Disposal Report *[Editorial Note: add "and supporting" FOST/FOSET/ECOP, as appropriate]* which must be placed in the disposal documents and as added above and may be disposed of in accordance with applicable laws, rules and regulations.

Date

(Approving Official)

DETERMINATION

January 2006

DETERMINATION APPROVING DISPOSAL

[Under Special Legislation or Continuing Authorities – not FPASA]

1. The attached Disposal Report and its findings have been reviewed.
2. The *[Editorial Note: insert the operational element with control of the property]* has determined that the disposal of this property will not adversely impact mission and/or operation of the project or installation.
3. *[Editorial Note: Select appropriate statement]* [No special use improvements are located on the property] or [The property contains special use improvements and the disposal has been approved by the appropriate Army elements, based upon the type of improvements. (discuss if appropriate)]
4. I have considered the disposal authorizations in *[Editorial Note: cite Special Legislation or Continuing authority – not FPASA]* and have determined that the designated real property may be disposed under that authority. I approve the disposal of the designated property subject to the following terms and conditions:

[Editorial Note: insert any terms and conditions]

5. Coordination: (list)
6. The proposed disposal is approved subject to the restrictions stated in the Disposal Report *[Editorial Note: add “and supporting” FOST/FOSET/ECOP, as appropriate]* which must be placed in the disposal document and as added above and may be disposed of in accordance with applicable laws, rules and regulations.

Date

(Approving Official)